

Title: Derby Pride Academy
Author: Department for Education (DfE)

Impact Assessment – Section 9 Academies Act Duty

Introduction

Section 9 of the Academies Act 2010 places a duty upon the Secretary of State to take into account what the impact of establishing the additional institution would be likely to be on maintained schools, Academies and institutions within the further education and Alternative Provision sectors in the area in which the additional institution is (or is proposed to be) situated. Any adverse impact will need to be balanced against the benefits of establishing the new institution.

Background

Derby Pride Academy (DPA) will be an 11 – 16 Alternative Provision Free School in Derby due to open in September 2012. We have determined that it is likely to have an impact on four PRUs within a 10 mile radius of the proposed site. We have also determined that DPA will not have a significant impact on any of the local secondary schools. On the contrary, it may have a positive impact on the local secondary schools as this free school will provide a new option for their disengaged pupils.

As part of their consultation, Derby Pride Trust (DPT) sought the views of the following:

- Secondary headteachers;
- Head of Kingsmead PRU;
- Local community; and
- Local authority (Director for Children's Services and Assistant Director with responsibility for Inclusion).

The consultation started on 16 March. It was due to end on 27 April, but was extended until 11 May to incorporate the publication of the model AP Funding Agreement.

The school's admissions policy

As an Alternative Provision Free School, DPA will not accept applications for admission from parents. The school will accept referrals through the local authority placement panel and direct from schools themselves.

The school will open in September 2012 and hopes to have an average of at least 35 FTE pupils in the first year. The PAN for the school is 50 FTE pupils per academic year. The local authority has not yet commissioned any places from the school. However, they are part of the local authority Alternative Provision offer.

Average distance

The average distance travelled to secondary school in Derby is 1.4 miles. However, we have not taken this factor into consideration for this Impact Assessment as it is for an Alternative Provision Free School. It is likely that Derby Pride Academy will attract pupils from a greater distance as children will be referred to them if the placement panel think the school best meets the needs of the child.

Impact

PRUs

Kingsmead School

DPA is likely to have a minimal impact on Kingsmead School, which acts as the PRU for the local authority. We have anecdotal evidence that the PRU is currently significantly oversubscribed with limited funding. This has resulted in pupils not receiving the right support. This evidence is supported by the PRU's latest Ofsted report, which has rated them as 'satisfactory'. The report notes that the pupil referral service is satisfactory. It also states that there are inconsistencies in the quality of teaching and students' progress, and in the use of assessment to set suitably challenging targets in English and mathematics.

We believe the opening of DPA may take away some of the burden currently being placed on Kingsmead School. The DPT are very keen to work with Kingsmead School and are in regular contact with the Head of the PRU to make sure that impact is minimised.

Derbyshire Support Centre (Alternative Provision)

It is likely that Derbyshire Support Centre (Alternative Provision) will feel a minimal impact as a result of DPA. Ofsted rated the PRU as 'satisfactory' and noted that it offers satisfactory level of education and teaching. They also noted that the centre places due emphasis on developing skills in literacy and numeracy and ensures each student receives a balanced curriculum. This is in stark contrast to Derby Pride Academy, as they will be using the power of sport to get children back to mainstream education.

Newton's Walk and Amber Valley

The impact on Newton's Walk and Amber Valley is likely to be minimal as they have been rated as 'good' by Ofsted and they are not offering a sports-based provision.

Erewash Support Centre

The impact on Erewash Support Centre is likely to be minimal as it has been rated as 'good' by Ofsted and is not offering a sports-based provision.

Clayfield House

We do not have enough data on this PRU despite attempts made by officials to acquire it. We believe it will feel a minimal impact because Derby Pride Academy is seven miles away from this PRU.

Burton PRU

The impact on Burton PRU is likely to be minimal as it has been rated as 'good' by Ofsted, is not offering a sports-based provision, and is almost ten miles from Derby Pride.

South Derbyshire Support Centre

The impact on South Derbyshire Support Centre is likely to be minimal as it has been rated as 'good' by Ofsted, is not offering a sports-based provision, is a different age-range, and is ten miles from Derby Pride.

Secondary schools

Derby Pride Academy will have a positive impact on the 15 nearest secondary schools, providing high quality provision for high needs pupils and supporting the schools in taking pre-emptive action with vulnerable pupils. If there is any negative impact felt by these schools it will be minimal.

Independent Alternative Provision

There are a number of independent Alternative Provision providers that are commissioned by the PRU that may be impacted by DPA. However, we do not know the size of these providers and therefore we are not able to judge the severity of the impact.

Other educational providers

We do not have data to determine whether this school have any impact on other educational providers.

Consultation responses

The consultation started on 16 March and was due to end on 27 April. However, it was extended until 11 May, so the Trust could refer to the model Alternative Provision Funding Agreement.

The Trust placed an article in the Derby Evening Telegraph highlighting the consultation process and the public meeting on 17 April. They were interviewed on 17 April by BBC Radio Derby Interview Drive time and BBC East Midlands today. A public meeting was also held at the Pride Park stadium on 17 April.

The NASUWT formally wrote to the Trust to object to this proposal. Their queries were based on a series of misconceptions around the Free Schools programme. The Trust responded to all their queries and did not receive any further correspondence.

The consultation generated 17 responses. 11 people fully supported the proposal, one person supported parts of the proposal, one rejected parts of the proposal and 4 fully rejected the proposal. We believe the rejections may be from the landlords who objected to the change of use planning permission.

Of the 17 respondents¹² said 'yes' to the question "Do you support our intention to enter into a Funding Agreement with the Secretary of State for Education to run Derby Pride Academy".

Local authority response

Officials have sought opinion from Derby LA, where the school will be located. The LA's response stated that they cannot commit to commissioning 50 places from DPA.

Section 9 Conclusion

Taking into account the small size of the school, the fact that this is Alternative Provision, the proposed free school is unlikely to have a negative impact on existing schools in Derby. The free school is likely to have a positive impact on the local authority and other schools as it will give them an additional provider to choose from.

We are unable to determine the impact on independent AP providers as we do not have enough information on them. However, due to the size of DPA we believe impact on independent AP providers is likely to be negligible.

Taking the above evidence into consideration it is our view that it would be appropriate for the Secretary of State to enter into the Funding Agreement with the Academy Trust.

Tables and Attachments

Table 1 – secondary schools within a 10 mile radius

School name	Distance	% 5A*-C incl Eng and Maths 2009 (incl equivalents)	% 5A*-C incl Eng and Maths 2010(incl equivalents)	% 5A*-C incl Eng and Maths 2011 (incl equivalents)	Ofsted	Number of Fixed Term Exclusions ¹ (2009/10)	Persistent Absence rate (% 2010/11)
Landau Forte College	1.5	54%	68%	64%	Outstanding	111	4.4%
Merrill College ²	1.5	N/A	N/A	32%	Satisfactory	N/A	15.6%
West Park School	1.7	56%	72%	78%	Good	10	7.8%
Lees Brook Community Sports College	2.0	46%	61%	62%	Good	65	7.4%
Noel-Baker Community School and Language College	2.0	33%	39%	34%	Inadequate	115	19.1%
Da Vinci Community College	2.1	30%	36%	40%	Satisfactory	66	21.5%
Bemrose School	2.2	25%	37%	28%	Satisfactory	68	12.5%
Saint Benedict Catholic School and Performing Arts College	2.7	44%	45%	56%	Satisfactory	156	8.9%
Derby Moor Community Sports College	2.9	42%	45%	50%	Satisfactory	86	8.5%
Sinfin Community School	3.0	23%	26%	37%	Inadequate	300	13.0%
Chellaston Academy	3.1	64%	78%	81%	Outstanding	14	6.1%
Littleover Community School	3.2	77%	88%	83%	Outstanding	x ³	0.8%
Murray Park Community	3.4	43%	62%	53%	Satisfactory	118	12.7%

¹ Pupils may have more than one Fixed Term Exclusion per year.

² This is a foundation school that was opened in September 2010.

³ Figure not provided.

School name	Distance	% 5A*-C incl Eng and Maths 2009 (incl equivalents)	% 5A*-C incl Eng and Maths 2010(incl equivalents)	% 5A*-C incl Eng and Maths 2011 (incl equivalents)	Ofsted	Number of Fixed Term Exclusions ¹ (2009/10)	Persistent Absence rate (% 2010/11)
School							
Woodlands School	3.7	59%	72%	67%	Satisfactory	138	7.4%
The Ecclesbourne School	5.5	88%	90%	91%	Outstanding	8	2.4%
LA av.		46%	55%	57%			9.8%
National av.		51%	55%	58%			8.4%

Impact

The above table represents the 15 schools closest to the free school. We have determined that because of the size of the school and the fact that Derby Pride Academy will not be actively trying to recruit pupils from these on a full time basis, there will be minimal impact on these schools.

It should also be noted that Derby Pride Academy will have positive impact on these as they will aim to reintegrate disengaged children back to mainstream education.

Table 2 – maintained PRUs within a 10 mile radius

School name	Distance from the proposed Free School site (in miles)	Type	Age range	Gender	Ofsted
The Kingsmead School	1.9	PRU	11 – 16	Mixed	Satisfactory
Newton's Walk	2.3	PRU	5 – 11	Mixed	Good
Derbyshire Support Centre (Alternative Provision)	2.9	PRU	14 – 16	Mixed	Satisfactory
Amber Valley & Erewash Support Centre	2.9	PRU	5 – 16	Mixed	Good
Clayfield House	7.7	Secure Unit	9 – 18	Mixed	N/A
Burton PRU	9.4	PRU	11 – 16	Mixed	Good
South Derbyshire Support Centre	10.0	PRU	7 – 11	Mixed	Good

Source: OFSTED and "in your area" on DFE.co.uk